



Committee on City Services and the Northampton City Council

Committee Members:

Councilor Dennis P. Bidwell

Councilor Maureen T. Carney

Councilor Marianne L. LaBarge

Councilor Ryan R. O'Donnell

MEETING MINUTES

Date: August 29, 2016

Time: 4:00 p.m.

Location: City Council Chambers
212 Main St., Northampton, Massachusetts

1. Meeting Called to Order and Roll Call: At 4:00 p.m. Councilor Carney called the meeting to order. Present were: Councilor Carney, LaBarge, O'Donnell and Bidwell. No other City Councilors were present.
2. Public Comment: None
3. Department Presentation: Building Commissioner's Office

Building Commissioner Louis Hasbrouck was present representing the department. Commissioner Hasbrouck explained that the department permit revenues are approx. \$600,000 per year while the department expenses are about \$400,000 which doesn't include employee benefits or rent. The department issues about 4,000 permits per year; the number of permits issued has been going up every year. This includes plumbing, electrical, gas, building, sheet metal and zoning permits. About 1,500 of those are for actual building permits. The est. cost of construction = \$60,000,000 per year. Not all of this goes on the tax base because it is not all new construction. However, this is a good indicator of activity. It is significant for a city the size of Northampton. About 200 periodic inspections are done per year (liquor establishments, schools, hospitals, etc.). The department responds to about 125 complaints per year. Not every complaint is logged because some things can be resolved very quickly. The ones that are logged take a while or effort to resolve and usually require three or four different actions. For example, there was a complaint about an issue on South Street that involved over 200 e-mails. Additionally, by the time Roger's Hall is done, which initiated as a building complaint, over forty hours of work would have been put in to address that

particular complaint. The damage estimate is about \$5 million. The fire also contributed a significant amount of damage to Hubbard Hall. The buildings are an important as historic places in Northampton; it is important that proper procedures are followed to remedy the complaints.

One recent complaint that was not logged was an incident regarding an establishment on Pearl Street. The issue stemmed from the air conditioning not functioning during a recent concert event. Commissioner Hasbrouck explained that the Building Code does not address how hot it is inside a building. People were able to leave at will and the number of occupants was not at capacity. In this particular case, there is nothing that the Building Commissioner's Office can address.

There was a complaint about someone who put a fence across a right-of-way. This really is not a Building Code issue; the department cannot go back to the deed to address complaints. Again this is a case where the Office will have minimal, if any impact.

Other complaints that are not logged are when the electrical inspector or plumbing/gas inspector gets called by the Fire Department. A permit will get attached to the complaint but there is no way to track the information in the Building Commissioner's Office.

Northampton's construction activity has increased significantly in the last year and there has been a steady increase in building since 2011. To address the additional demand, inspector hours have increased to 40 per week. The inspectors can work extra hours as needed.

Councilor O'Donnell asked if there would be a point when the demand could not be met; Commissioner Hasbrouck explained that if this happens, some routine tasks may get pushed to the back burner. Use of comp time might be used as an option; bringing in inspectors from other municipalities is also an option. Intermittent workers are not ideal because of the nature of the work. Commissioner Hasbrouck reports that Northampton inspectors also inspect Williamsburg (about a few hundred inspections per year).

In Northampton, in-fill development has recently been allowed and this has stimulated growth within the community. Hospital Hill growth has been steady for an extended period of time.

Commissioner Hasbrouck notes that assisted living facilities have increased significantly since 2013; there have been 200 units that have been built. These have been done at Linda Manor, Rockridge, and at Christopher Heights. The Commissioner expects to see permit application for another 40 units on Hawley Street. There have also been inquiries about Northampton Nursing Home switching to assisted living.

New single family home construction been at a significantly higher level since the early 2000's. This has been bumped up by the in-fill development opportunity. Councilor LaBarge asked about tiny houses. Commissioner Hasbrouck indicates that any dwelling must meet the building code requirements which covers manufactured housing or houses built on-site. RV's, camping trailers, mobile homes and small houses on trailers don't meet code requirements. The way the zoning is set up, one could build a number of small houses on a single parcel, but the housing will be on permanent base with hook-ups for water, sewer, electricity and they also must meet certain sanitary criteria. People can't build based on their own taste; the codes are set up so that the dwelling can be readily occupied after the builder is long gone. A decent living space can be accomplished in 850 square feet; however a single bedroom small house doesn't accommodate young families. Dwellings ideally would have two bedrooms.

Councilor O'Donnell wondered if it were state law that prevented other communities to allow dwellings on trailers. Commissioner Hasbrouck explained that there are statutes that allow mobile home parks; however, very few communities allow new mobile home parks. The mobile homes are manufactured to specific requirements. A dwelling unit must be on a permanent foundation, but the foundation does not have to "poured". It needs to have potable water that won't freeze, and must have proper sewage. A small house is challenged to meet the energy requirements. There are prescriptive requirements in the building code that must be followed.

Councilor O'Donnell asked how much retro-fitting is done in Northampton. Commissioner Hasbrouck noted that a lot of the re-fits have been done already. This is due primarily to the various MassSave projects which have been pushed hard over the last ten years. There is still a steady stream of those kind of permits. There was a program called Solarize Northampton that was successful. There are more permits being obtained now then there were when the program first started. There are still rebates available so there are more installations now then there were at the height of the Solarize Northampton program. Councilor LaBarge raised a question about trustworthy contractors. Commissioner Hasbrouck commented that 20 percent are very good; 20 percent are not; the rest fall somewhere in the middle. Councilor LaBarge commented that some vendors come from out of state and don't have a license. Commissioner Hasbrouck explained that a permit would not be issued without a license. There are some companies, however, who use the license of an electrician that was not part of the project. The department checks licenses and credentials to minimize the risk of fraud.

There have been circumstances where the homeowner has taken out a permit even though they were not "equipped" to understand what was required. When this happens, the department will counsel the public that as a homeowner, they do have a right to take out a permit. There is, however, a provision in the building code that specifies the department can only issue permits to a "competent" person.

There may have been times with the homeowner pursued the permit because the contractor couldn't or wouldn't take out a permit in their own name. When and if this does happen, it allows the contractor to dodge some responsibility regarding workmanship. There is compensation available to a homeowner if the contractor takes out a permit and does a bad job. This compensation is not available if the homeowner takes the permit out themselves. These funds are available through a state fund that licensed contractors need to pay into. The Commissioner has in the past revoked a permit because the person who took out the permit put a contractor's name on it; the contractor claimed that they were not aware of the permit, even though the Commissioner's Office had all of the contractor's information. This was the case in a recently publicized account involving illegal dumping of concrete. The contractor of record stated that he was never consulted about being the contractor of record and had nothing to do with the project. Contractors have also been fired; when this happens, a permit will be closed out--the job will be inspected; when a new contractor is hired, the Commissioner's Office will let the contractor know where their responsibility starts. If a contractor leaves a job, the new contractor's responsibility goes all the way back to the beginning of the project to meet the code requirements.

Councilor Bidwell asked about residential condo owners. Commissioner Hasbrouck noted that number 32 Masonic Street is one of the situations that got brought up. He went back to his records and found there were 100 e-mails that have gone back and forth to address code issues. One issue cropped up when Viva Fresh Pasta put a dining area out back. The situation was dealt with immediately. They were asked to put up concrete barriers. A lot of the complaints had to do with the windows of the building. Windows in the building need to be replaced. The Central Business Architecture Committee set a standard for the windows but the windows that were approved are expensive. A number of windows have been screwed shut because they were prone to falling out. While they are now safe, the windows don't open anymore. Open windows are not a code requirement. There is also an outside fire escape on the building that needs to be redone. Any issues that are brought forward are pursued. A lot of the controversy may be about the effects a business activity might have on residential home owners. There were a lot of complaints about a downtown business where patrons were playing basketball late into the evening. The zoning ordinance about noise may cover playing basketball; however, there are a number of opinions about the noise level that playing basketball creates. Councilor Carney asked if the code were specific about the number of decibels allowed. Commissioner Hasbrouck stated that it was, however, a bouncing basketball may not rise to the level of that would exceed downtown noise level allowances. Another issue is the removal/replacement of dumpsters. There is a statute that allows for this activity during early morning hours when there are fewer cars in the way. A lot of landlord-tenant issues start with the Board of Health and the minimum standards for sanitation. If there are building, electrical, plumbing or gas code concerns, then the Board of Health will involve the Building Commissioner's Office.

Councilor Bidwell also asked about sandwich boards. Commissioner Hasbrouck stated all of the sandwich boards out there have been paid for and are in the right locations. Councilor O'Donnell asked if the Building Commissioner's Office regulated sandwich boards. Commissioner Hasbrouck indicated "yes"; signs are in the zoning laws. Sandwich boards are necessary for second floor businesses or businesses not located on Main Street. However, there is an alternative, which are blade signs. Surprisingly, there has not been a lot of interest in this alternative; even though these types of signs require a one-time permit fee vs. sandwich boards which require annual permits.

Councilor LaBarge likes the idea of removing the duty of sign enforcement from the Building Department and having the duty performed by Parking Attendants. Commissioner Hasbrouck indicated that it would require changes in the code book, however, he noted that the task of ensuring compliance is not difficult.

Commissioner Hasbrouck talked about unoccupied houses and tag sales. His office has had to deal with both issues. Regarding unoccupied houses, there is a really specific set of criteria regarding what can be done with an unoccupied house and when action can be taken. The Building Department can order that the building be made safe by securing it against unauthorized entry. When a complaint is made, the Building Commissioner has the right to enter the building, however, he would not enter a house if he is told not to do so. One particular house had squatters; the police were notified and the house was made secure. In one particular case, identified by Councilor LaBarge, the Health Department had difficulty finding contact number for the home owner. No one knew how to get in touch with the property owner. The Health Department would like to have a contact number visible when a house is unoccupied. Commissioner Hasbrouck noted that if someone can't be found, the Building Official can take actions as needed. The money can come out of the department's budget, and then the City can work to recoup the funds. The City is looking to install new permit tracking software; it might be possible to put contact info into that database.

Regarding tag sales, the Building Commissioner's Office has taken action to prevent on-going tag sales. The department is complaint-driven. There was a concern raised about an commercial "tag sale" on Burts Pit Road. That issue was resolved. There was also one on Bridge Road; In this case the Building Commissioner's Office did issue a fine but for the most part this is not an issue. The one in Leeds is done in a commercial zone, so there is not much that can be done about that one. The procedure generally is allowed by right for personal household goods from time to time. Councilor LaBarge commented that in the case of Burts Pit Road, the residents were upset because the tag sale was every Friday, Saturday and Sunday. There was also a trailer truck that brought more items and there were concerns about the increased traffic level.

The committee members thanked Commissioner Hasbrouck for coming and expressed their appreciation for the hard work and dedication demonstrated by the department.

4. Approve minutes of August 18, 2016: Councilor Bidwell moved to approve minutes; Councilor LaBarge seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

5. Items Referred to Committee

- A. 16.136 Appointment of Jeff Jones, Northampton Housing Representative to the Community Preservation Committee - Referred to Committee on August 18, 2016

Councilor Carney called and spoke with Jeff; he serves as the labor representative on the Northampton Housing Committee; he is excited to serve as the NHC representative on the CPC. He feels that it is important to have a housing rep to speak to the issue of how funding is distributed by the CPC. He has the time to work on the committee. Councilor LaBarge moved to send the appointment forward to the full City Council with a positive recommendation; Councilor O'Donnell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

6. New Business

- A. Discussion regarding absent property owners - what can be done?

Councilor LaBarge has great concerns about homes that are left unattended by owners who move to another city, leave no contact information, and don't provide for property maintenance. She notes properties with high grass and a tremendous amount of debris left behind. Neighbors have great concerns. The Health Department has stepped in, but Councilor LaBarge wonders if more can be done. She asked that the committee have Merridith O'Leary come in to speak to the issue. Councilor LaBarge motioned to have Merridith O'Leary come to the October 3, 2016 meeting; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

- B. Discussion about committee's process for appointments:

Councilor LaBarge feels that when applications are sent in, the Mayor's Office should have the responsibility to look up that information, including looking on social media.

Councilor Carney noted that she had the impression from what she read in the newspaper that the Mayor's Office was looking to close that loop.

Councilor Bidwell wonders if this is necessary; where does the investigation end?. In this case some of the opinions expressed by the applicant made it to the light of day and the candidate withdrew on her own. Folks are entitled to their opinion and to express them in various ways. He doesn't believe that anyone should proactively investigate social media.

The committee doesn't feel it necessary to amend its own process in any way.

7. Adjourn: At 5:25 p.m. Councilor LaBarge moved to adjourn the meeting; Councilor Bidwell seconded the motion. The motion was approved on a voice vote of 4 Yes, 0 No.

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